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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,726	10/04/2001	Mark Thompson	020375-003600US	3054
20350	7590	04/18/2007	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			ALI, MOHAMED HATEM	
TWO EMBARCADERO CENTER			ART UNIT	PAPER NUMBER
EIGHTH FLOOR			3609	
SAN FRANCISCO, CA 94111-3834				
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/971,726	THOMPSON, MARK
	<b>Examiner</b>	<b>Art Unit</b>
	Mohamed H. Ali	3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 May 2002.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.  
 4a) Of the above claim(s) 17-29 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 and 30-38 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/25/2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Claim s 17-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 15,2007.
2. Applicant's election without traverse of invention 1, claims 1-16 and 30-38 is acknowledged.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16 and 30-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Bozeman (US 204/0236688 A1).

As per claim 1, Bozeman discloses a financial instrument, method comprising:  
receiving an electronic package defining an image of the financial instrument (see para 0095; via image of electronic check) at a first institution (See para 0145; via payee bank 110) from a presenter (see para 0143; via commercial retail entity 50 is presented a

customer's check), the image having been generated as part of a transaction at a point of sale (see 0143); and

crediting the presenter for funds in accordance with the financial instrument (see para 0145).

As per claim 2, Bozeman discloses that the electronic package comprises the image (see 0095).

As per claim 3, Bozeman discloses the image is stored at a location within a depository and the electronic package comprises a reference to the location (See para 0097 via Issue file of UPPD database 20 with alphanumeric data pertaining to parameters).

As per claims 4 and 5, Bozeman discloses that the first institution comprises a financial institution or a bank (see para 0145 via payee bank 110).

As per claims 6, 7 and 8, Bozeman discloses transmitting the electronic package to a second institution wherein the second institution comprises a clearing institution and wherein the clearing institution comprises a reserve institution for recovery of the funds (see para 0145; via payer bank 120 and clearing and reserve banks 70 and 80).

As per claim 9, Bozeman discloses that the second institution comprises a drawee financial institution that is identified from the electronic package (see para 098).

As per claim 10, Bozeman discloses the first institution comprises a clearing institution (see para 0145).

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A per claim 11, Bozeman further discloses provisionally crediting an account of the presenter and releasing the credited funds after recovery of the funds (see para 0108).

A per claim 12, Bozeman discloses the first institution comprises a drawee financial institution identified by the financial instrument (see para 0098).

As per claim 13, Bozeman discloses that presenter comprises a clearing institution (see para 0126 via commercial retail entity 50 with clearing house 70).

As per claim 14, Bozeman discloses the image is encrypted (para 0160) and; the method further comprises decrypting the image (see para 0177).

As per claims 15 and 16, Bozeman discloses that the financial instrument comprises a check and a credit-card sales slip (see para 0095).

As per claims 30 and 34, Bozeman discloses a computer-readable storage medium having a computer-readable program embodied therein for directing operation of a computer system for a first institution (110), the computer system including a communications system, a processor, and a storage device, wherein the computer-readable program includes instructions for operating the computer system to process a financial instrument (see para 0090 and 0091; via UPPD system 10) in accordance with the following:

receiving an electronic package defining an image of the financial instrument from a presenter with the communication systems, the image having been generated as part of a transaction at a point of sale (see para 0087; via transaction at a point of sale); and

crediting an account of the presenter for funds in accordance with the financial instrument (see para 0108; via credits to the merchant's account (presenter)).

As per claims 31 and 35 Bozeman discloses the computer-readable program further includes instructions for transmitting the image of the financial instrument to a second institution for recovery of the funds (see para 0145).

As per claims 32 and 36, Bozeman discloses the image is stored at a location within a depository and the electronic package comprises a reference to the location, the computer-readable program further including instructions for retrieving the image from the location (See para 0097; via Issue file of UPPD database 20 with alphanumeric data pertaining to parameters).

As per claims 33 and 38, Bozeman discloses the financial instrument to be a check (see para 0095 and 0104).

As per claim 37, Bozeman discloses the financial instrument is adopted for connection with the Internet (see para 0088 and 0089 via transaction through a network system, Internet).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nichols et al 9Us 2001/0037299 A1) discloses Check writing point of sales system.

Farrar et al (US 6647376 B1) discloses e system and method for Point-Of-Sale Check Authorization.

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Christopher Sanders et al discloses the system and method for Rules Based Electronic Funds Transaction Processing.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed H. Ali whose telephone number is 571-270-3021. The examiner can normally be reached on 7-30 to 5.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohamed H Ali  
Examiner  
Art Unit 3609

MA

  
LYNDA JASMIN  
SUPERVISORY PATENT EXAMINER